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UBER TECHNOLOGIES, INC.
17 and OTTOMOTTO LLC

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

22 Plaintiff,

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL THEIR
OPPOSITION TO WAYMO'S
MOTION FOR CONTINUANCE OF
TRIAL DATE**

23 v.

24 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

25 Defendants.

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Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Opposition to Waymo’s Motion for Continuance of Trial Date. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Opposition to Waymo’s Motion for Continuance of Trial Date (“Opposition”)	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Anthony Levandowski (Yellow)
Declaration of Arturo J. Gonzalez	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibit 1	Highlighted Portions	Defendants (Blue)
Exhibit 2	Entirety	Defendants Anthony Levandowski
Exhibits 3-7	Entireties	Anthony Levandowski
Exhibits 10-14, 16	Entireties	Plaintiff
Exhibit 15	Highlighted Portions	Plaintiff (Green)

The blue-highlighted portions of the Opposition contain highly confidential information regarding technical details of and development plans for Uber’s LiDAR systems. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into the technical components and development plans of Uber’s LiDAR sensors, such that Uber’s competitive standing could be significantly harmed. (Declaration of Michelle Yang in Support of Defendants’ Administrative Motion to File Documents Under Seal (“Yang Decl.”) ¶ 3.)

The blue-highlighted portions of Exhibit 1 contain the same sealable portions the Court granted at Dkt. 653, which Defendants had filed at Dkt. 600-2, and contain the financial and

1 timing terms for the Indemnification Agreement. This is highly confidential business information
 2 relating to the terms of Uber's agreements that is not publicly known, and this information's
 3 confidentiality is strictly maintained. This information could be used by competitors to Uber's
 4 detriment, including in the context of negotiating business deals. If this information were
 5 disclosed, for example, competitors could obtain a competitive advantage by offering better terms
 6 than Uber, such that Uber's competitive standing would be harmed. Some of the other marked
 7 portions contain personal addresses, telephone numbers, and email addresses of Anthony
 8 Levandowski and Lior Ron. This case has been the subject of much public and media interest,
 9 and disclosure of this personal information could harm the privacy interests of these individuals
 10 and their families. For example, if these personal addresses and contact information were
 11 disclosed publicly, Messrs. Levandowski and Ron and their families could be exposed to harm or
 12 harassment. (Yang Decl. ¶ 4.)

13 The entirety of Exhibit 2 contains highly confidential information regarding a business
 14 agreement of Uber's, including detailed terms and conditions. This information is not publicly
 15 known, and its confidentiality is strictly maintained. I understand that this information could be
 16 used by competitors to Uber's detriment, including in the context of negotiating business deals. If
 17 this information were disclosed, competitors could gain insight into how Uber structures its
 18 business agreements, such that Uber's competitive standing would be harmed. (Yang Decl. ¶ 5.)

19 The yellow-highlighted portions of the Opposition and Declaration of Arturo J. Gonzalez,
 20 as well as the entireties of Exhibits 2-7, contain information designated confidential by counsel
 21 for non-party Anthony Levandowski. (Yang Decl. ¶ 6.) Defendants expect this non-party to file
 22 supporting declarations as needed.

23 The green-highlighted portions of the Opposition and Exhibit 15, as well as the entireties
 24 of Exhibits 10-14 and 16-17, contain information that has been designated "Highly Confidential –
 25 Attorneys' Eyes Only" by Waymo in accordance with the Patent Local Rule 2-2 Interim Model
 26 Protective Order ("Protective Order"), which the parties have agreed governs this case (Transcript
 27 of 3/16/2017 Hearing, page 6). Defendants file this material under seal in accordance with
 28 Paragraph 14.4 of the Protective Order. (Yang Decl. ¶ 7.)

1 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
2 documents at issue, with accompanying chamber copies.

3 Defendants served Waymo with this Administrative Motion to File Documents Under
4 Seal on September 18, 2017.

5 For the foregoing reasons, Defendants request that the Court enter the accompanying
6 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
7 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
8 ATTORNEYS' EYES ONLY."

9 Dated: September 18, 2017

MORRISON & FOERSTER LLP

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11 By: /s/ Arturo J. Gonzalez
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12 Attorneys for Defendants
13 UBER TECHNOLOGIES, INC. and
OTTOMOTTO LLC

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